PB87-193389

Model Permit for Hazardous Waste Treatment, Storage, and Disposal Facilities

(U.S.) Environmental Protection Agency
Washington, DC

2 Apr 84

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30272-101

REPORT DOCUMENTATION PAGE	1. REPORT NO.	2.	PB87-193389

4. Title and Subtitle
Model Permit for Hazardous Waste Treatment, Storage, and Disposal Facilities

5. Report Date
4/2/84

6.

7. Author(s)
U.S. EPA Staff

8. Performing Organization Rept. No

9. Performing Organization Name and Address
U.S. Environmental Protection Agency
Office of Solid Waste
401 M Street, S.W.
Washington, D.C. 20460

10. Project/Task/Work Unit No.

11. Contract(C) or Grant(G) No.
(C)
(G)

12. Sponsoring Organization Name and Address
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

13. Type of Report & Period Covered

14.

15. Supplementary Notes

16. Abstract (Limit: 200 words)

The model permit has been developed to provide a standard permit format for facilities that store, treat, or dispose of hazardous wastes. The model is divided into parts and will eventually cover all types of facilities that require permits under RCRA. At present parts have been developed that cover permit conditions for tank and container storage, and incinerators.

17. Document Analysis a. Descriptors

b. Identifiers/Open-Ended Terms

c. COSATI Field/Group

REPRODUCED BY
U.S. DEPARTMENT OF COMMERCE
NATIONAL TECHNICAL
INFORMATION SERVICE
SPRINGFIELD, VA 22161

18. Availability Statement	19. Security Class (This Report)	21. No. of Pages
Release Unlimited	Unclassified	40
	20. Security Class (This Page) Unclassified	22. Price

F-16

4/2/84 Revision

MODEL PERMIT
FOR
HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

The model permit has been developed to provide a standard permit format for facilities that store, treat or dispose of hazardous wastes. The model is divided into parts and will eventually cover all types of facilities that require permits under RCRA. At present parts have been developed that cover permit conditions that apply to all facilities and specific conditions for tank and container storage, and incinerators. The land disposal parts are under development and will be incorporated into this document shortly. A part for storage of hazardous wastes in piles, based on the July 26, 1982, waste pile regulations, is being developed. Therefore, no part covering the January 12, 1981, waste pile regulations is attached. The parts that are ready now are:

- Part I - Standard Conditions - Covers the conditions found in 40 CFR Part 270 and required to be included in all permits.
- Part II - General Facility Conditions - Covers the conditions found in 40 CFR Part 264, Subparts B, C, D, E, G and H and required to be included in all permits.
- Part III - Container Storage - Covers the conditions required in 40 CFR Part 264, Subpart I, for facilities that store hazardous wastes in containers.
- Part IV - Tank Storage - Covers the conditions required by 40 CFR 264, Subpart J, for facilities that store hazardous wastes in tanks.
- Part VI - Incineration - Covers the conditions required by 40 CFR 264, Subpart O, for all facilities that incinerate hazardous waste.
- Part VII - Short Term Incinerator Permit - Covers the conditions required by 40 CFR §270.62 and 264.344(c) for facilities that perform trial burns.

In developing this model, we used our best judgment in deciding which regulatory provisions should be spelled out and which may be incorporated by reference. Some provisions must be written out because the standards offer options or the permit conditions must be more explicit than the regulation to be enforceable. In other cases, regulatory provisions are spelled out because of their importance to the Permittee or the public. All regulations incorporated by reference are those in effect on the date of issuance of the permit.

The model also identifies (1) conditions that are exclusive to existing facilities and conditions that are exclusive to new facilities; (2) where

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optional methods of meeting the regulatory requirements are allowed; and (3) which conditions may be waived or varied under the regulations.

The model also identifies where parts of the application should be incorporated into the permit. For example, the condition covering 40 CFR §264.51(b) - (Implementation of Contingency Plan) may read:

> The Permittee shall immediately carry out the provisions of the Contingency Plan, Attachment __, whenever there is a fire, explosion, or release of hazardous waste or constituents which threatens or could threaten human health or the environment.

Several conditions in Part II will cover the regulatory requirements found in 40 CFR Part 264, Subparts I and J. These are:

Condition	Regulatory Coverage
II.D - Waste analysis	§§264.13, .17, .177, .198, and .341
II.F - Inspections	§§264.15, .174, .194, and .347
II.R - Closure	Part 264, Subpart G, §§264.178, .197, .351

The model permit uses notes (in brackets) following certain permit conditions to explain how they are to be applied. As this information is for the permit writer's use, it should not appear in the permit.

The language provided in the model permit assumes that the application has demonstrated (to the appropriate level of detail) that the facility will meet all the requirements in the regulations. The model permit does not explain how decisions dealing with whether a facility design is technically adequate will be made by the permit writer. Users of this model should understand that many of the performance standards contained in the model must be amplified by or translated into conditions specific to the facility in question. This model is designed to provide a format for standard permit conditions and to aid permit writers in ensuring that all the applicable requirements of the regulations are addressed by the permit, but does not in the case of each regulatory requirement, give an example of the level of detail that may be necessary to establish enforceable permit conditions.

Two conditions required by 40 CFR Part 270 have not been incorporated into the model. Section 270.33 deals with compliance schedules and should be used on a case-by-case basis, when appropriate. Such schedules should be specified in the parts of the permit where they are needed. Section 270.31 concerns recording and reporting of monitoring results. Conditions addressing this requirement should also be inserted in the parts of the permit where they are needed.

Of course, the permit document is the end result of the permit process. Once a permit application is submitted, the permit writer reviews the application and any subsequent revisions to ensure that the facility will meet all the requirements in the regulations. If the facility does not

meet the applicable regulations and the permit cannot be conditioned to bring the facility into compliance, then the permit must be denied. EPA is preparing guidance documents to aid applicants in submitting complete applications and to assist permit writers in making decisions about whether the application demonstrates that the facility meets the design and performance standards in the regulations.

It is important to note that all permit conditions must have a regulatory basis and that all applicable regulatory requirements must be addressed in the permit. The statement of basis or fact sheet (see 40 CFR §§124.7 and 124.8) should describe the rationale for the conditions in the permit and any waivers that are granted. When a permit condition reflects an unambiguous regulatory requirement, the fact sheet/statement of basis need merely reference that requirement. When a permit condition fulfills a performance standard, the fact sheet/statement of basis should explain why or how that condition satisfies the regulation. Where the regulatory basis for a permit condition is not obvious, the fact sheet/statement of basis should clearly support including that condition.

Permittee [Specify the name(s) and address(es) of the operator (and owner if not the same _____ operator)] Identification Number _____
Permit Number _____

Pursuant to the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 USC §6901 et seq., commonly known as RCRA) and regulations promulgated thereunder by the U.S. Environmental Protection Agency (EPA) (codified and to be codified in Title 40 of the Code of Federal Regulations), a permit is issued to [Name of Permittee] (hereafter called the Permittee), to operate a hazardous waste [storage, incineration] facility located in [City and State], on _____ _____ Road, at latitude _____ and longitude _____.

The Permittee must comply with all terms and conditions of this permit. This permit consists of the conditions contained herein (including those in any attachments) and the applicable regulations contained in 40 CFR Parts 260 through 264, and 270 and 124 as specified in the permit. Applicable regulations are those which are in effect on the date of issuance of this permit in accordance with 40 CFR §270.32(c).

This permit is based on the assumption that the information submitted in the permit application attached to the Permittee's letter dated _____ _____ as modified by subsequent amendments dated _____ _____ and _____ (hereafter referred to as the application) is accurate and that the facility will be constructed and operated as specified in the application. Any inaccuracies found in this information may be grounds for the termination or modification of this permit in accordance with 40 CFR §270.41, §270.42 and §270.43 and potential enforcement action. The Permittee must inform EPA of any deviation from or changes in the information in the application which would affect the Permittee's ability to comply with the applicable regulations or permit conditions.

This permit is effective as of [insert date in accordance with §124.15], and shall remain in effect until [insert date in accordance with §270.50], unless revoked and reissued, or terminated under 40 CFR §§270.41 and .43 or continued in accordance with §270.51(a).

_____ Date

_____ Signature
Thomas W. Devine
Director

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[List attachments with pages (i.e., Waste Analysis Plan, Security Inspection Schedule, Training Program, Contingency Plan, Closure Plan, Closure Cost Estimate, Containers, Tanks, Ignitable and Reactive Wastes, Incinerators, etc.)]

PART I - STANDARD CONDITIONS

I.A. EFFECT OF PERMIT

The Permittee is allowed to [store, incinerate] hazardous waste in accordance with the conditions of this permit. Any [storage, incineration] of hazardous waste not authorized in this permit is prohibited. Compliance with this permit constitutes compliance, for purposes of enforcement, with Subtitle C of RCRA. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under Section 3013 or Section 7003 of RCRA, Sections 106(a), 104 or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq., commonly known as CERCLA), or any other law providing for protection of public health or the environment.

I.B. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR §§270.41, 270.42, and 270.43. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.

I.C. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

I.D. DUTIES AND REQUIREMENTS

I.D.1. Duty to Comply

The Permittee shall comply with all conditions of this permit, except to the extent and for the duration such noncompliance is authorized by an emergency permit. Any permit noncompliance, other than noncompliance authorized by an emergency permit, constitutes a violation of RCRA and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or denial of a permit renewal application.

I.D.2. Duty to Reapply

If the Permittee wishes to continue an activity allowed by this permit after the expiration date of this permit, the Permittee shall submit a complete application for a new permit at least 180 days before this permit expires.

I.D.3. Permit Expiration

If the state does not have RCRA hazardous waste permitting authority under 40 CFR Part 271, this permit and all conditions herein will remain in effect beyond the permit's expiration date if the Permittee has submitted a timely, complete application (see 40 CFR §270.13 through §270.21) and through no fault of the Permittee the Regional Administrator has not issued a new permit as set forth in 40 CFR §270.51

If the state does have RCRA hazardous waste permitting authority under 40 CFR Part 271, and if the Permittee has submitted a timely and complete application under applicable state law and regulations, the terms and conditions of this permit continue in force beyond the expiration date of the permit, but only until the effective date of the state's issuance or denial of a state RCRA permit.

I.D.4. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

I.D.5. Duty to Mitigate

In the event of noncompliance with the permit, the Permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.

I.D.6. Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of a backup or auxiliary facility or similar systems only when necessary to achieve compliance with the conditions of the permit.

I.D.7. Duty to Provide Information

The Permittee shall furnish to the Regional Administrator, within a reasonable time, any relevant information which the Regional Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Regional Administrator, upon request, copies of records required to be kept by this permit.

I.D.8. Inspection and Entry

The Permittee shall allow the Regional Administrator, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:

I.D.8.a. Enter at reasonable times upon the Permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of this permit;

I.D.8.b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

I.D.8.c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

I.D.8.d. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by RCRA, any substances or parameters at any location.

I.D.9. Monitoring and Records

I.D.9.a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from Appendix I of 40 CFR Part 261. Laboratory methods must be those specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods SW-846, Standard Methods of Wastewater Analysis, or an equivalent method as specified in the attached Waste Analysis Plan [and Trial Burn Plan for incinerators that are performing a trial burn].

I.D.9.b. The Permittee shall retain at the facility records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation [for incinerators], copies of all reports and records required by this permit, and records of all data used to complete the application for this permit for a period of at least 3 years from the date of the sample, measurement, report or record. These periods may be extended by request of the Regional Administrator at any time and are automatically extended during the course of any unresolved enforcement action regarding this facility.

I.D.9.c. Records of monitoring information shall specify:

I.D.9.c.i. The dates, exact place, and times of sampling or measurements;

I.D.9.c.ii. The individuals who performed the sampling or measurements;

I.D.9.c.iii. The dates analyses were performed;

I.D.9.c.iv. The individuals who performed the analyses;

I.D.9.c.v. The analytical techniques or methods used; and

I.D.9.c.vi. The results of such analyses.

I.D.10. Reporting Planned Changes

The Permittee shall give notice to the Regional Administrator as soon as possible of any planned physical alterations or additions to the permitted facility.

I.D.11. Certification of Construction or Modification

The Permittee may not commence [storage, incineration] of hazardous waste at the facility until the Permittee has submitted to the Regional Administrator by certified mail or hand delivery a letter signed by the Permittee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the permit; and

I.D.11.a. The Regional Administrator has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or

I.D.11.b. The Regional Administrator has either waived the inspection or has not within 15 days notified the Permittee of his or her intent to inspect.

[Note: This condition only applies to new facilities or to permitted facilities which must be modified.]

I.D.12. Anticipated Noncompliance

The Permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

I.D.13. Transfer of Permits

This permit may be transferred to a new owner or operator only if it is modified or revoked and reissued pursuant to 40 CFR §270.41(b)(2) or §270.42(d). Before transferring ownership or operation of the facility during its operating life, the Permittee shall notify the new owner or operator in writing of the requirements of 40 CFR Parts 264 and 270 and this permit.

I.D.14. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

[Note: This condition only applies to permits containing compliance schedules.]

I.D.15. Twenty-four Hour Reporting

The Permittee shall report to the Regional Administrator any noncompliance with the permit which may endanger health or the environment. Any such information shall be reported orally within 24 hours from the time the Permittee becomes aware of the circumstances. This report shall include the following:

I.D.15.a. Information concerning the release of any hazardous waste which may endanger public drinking water supplies.

I.D.15.b. Information concerning the release or discharge of any hazardous waste, or of a fire or explosion at the facility, which could threaten the environment or human health outside the facility. The description of the occurrence and its cause shall include:

I.D.15.b.i. Name, address, and telephone number of the owner or operator;

I.D.15.b.ii. Name, address, and telephone number of the facility;

I.D.15.b.iii. Date, time, and type of incident;

I.D.15.b.iv. Name and quantity of materials involved;

I.D.15.b.v. The extent of injuries, if any;

I.D.15.b.vi. An assessment of actual or potential hazard to the environment and human health outside the facility, where this is applicable; and

I.D.15.b.vii. Estimated quantity and disposition of recovered material that resulted from the incident.

A written submission shall also be provided within 15 days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the periods of noncompliance (including exact dates and times); whether the noncompliance has been corrected; and if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

I.D.16. Other Noncompliance

The Permittee shall report all other instances of noncompliance not otherwise required to be reported above, at the time [monitoring reports or biennial reports whichever is more frequent] as required by this permit are submitted. The reports shall contain the information listed in Condition I.D.15.

I.D.17. Other Information

Whenever the Permittee becomes aware that it failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application or in any report to the Regional Administrator, the Permittee shall promptly submit such facts or information.

I.E. SIGNATORY REQUIREMENT

All applications, reports, or information submitted to the Regional Administrator shall be signed and certified in accordance with §270.11.

I.F. CONFIDENTIAL INFORMATION

The Permittee may claim confidential any information required to be submitted by this permit in accordance with 40 CFR §270.12.

I.G. DOCUMENTS TO BE SUBMITTED PRIOR TO OPERATION

[Note: Include here the requirement to submit any documents not complete or ready at time of permit issuance with the schedule for such submission (e.g., an updated Contingency Plan or the executed financial assurance instruments).]

I.H. DOCUMENTS TO BE MAINTAINED AT FACILITY SITE

The Permittee shall maintain at the facility, until closure is completed and certified by an independent registered professional engineer, the following documents and amendments, revisions and modifications to these documents:

I.H.1. Waste Analysis Plan as required by 40 CFR §264.13 and this permit.

I.H.2. Personnel training documents and records as required by 40 CFR §264.16(d) and this permit.

I.H.3. Contingency Plan as required by 40 CFR §264.53(a) and this permit.

I.H.4. Closure Plan as required by 40 CFR §264.112(a) and this permit.

I.H.5. Cost estimate for facility closure as required by 40 CFR §264.142(d) and this permit.

I.H.6. Operating record as required by 40 CFR §264.73 and this permit.

I.H.7. Inspection schedules as required by 40 CFR §264.15(b) and this permit.

I.I. DEFINITIONS

For purposes of this permit, terms used herein shall have the same meaning as those in 40 CFR Parts 124, 260, 264 and 270, unless this permit specifically provides otherwise; where terms are not defined in the regulations or the permit, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

PART II - GENERAL FACILITY CONDITIONS

II.A. DESIGN AND OPERATION OF FACILITY

The Permittee shall construct [if applicable], maintain and operate the facility as specified in Attachment(s) _____ and in a manner to minimize the possibility of a fire, explosion, or any unplanned sudden or nonsudden release of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

[NOTE: Permit writers are encouraged to include more specific conditions to implement this requirement when the regulatory basis for such conditions can be established. Throughout the model, conditions where this should be done are indicated in the notes.]

II.B. REQUIRED NOTICE

II.B.1. The Permittee shall notify the Regional Administrator in writing at least four weeks in advance of the date the Permittee expects to receive hazardous waste from a foreign source. Notice of subsequent shipments of the same waste from the same foreign source in the same calendar year is not required.

II.B.2. When the Permittee is to receive hazardous waste from an off-site source (except where the Permittee is also the generator), he must inform the generator in writing that he has the appropriate permits for, and will accept the waste the generator is shipping. The Permittee must keep a copy of this written notice as part of the operating record. (See Condition II.L.1).

[Note: This condition is only applicable if the facility receives waste from off-site.]

II.C. GENERAL WASTE ANALYSIS

The Permittee shall follow the procedures described in the attached Waste Analysis Plan, Attachment _____.

[Note: The waste analysis requirements of §§264.17, 264.177, 264.198, 264.199, 264.256, 264.257 and 264.341 must be covered by the attached plan when applicable.]

II.D. SECURITY

The Permittee shall comply with the security provisions of 40 CFR §264.14(b) [select either (1) or (2) based upon the applicant's submittal] and (c) as described in Attachment _____.

[Note: The permit writer should include specific security provisions in the permit to ensure compliance with §264.14(b). If the Permittee has successfully demonstrated in accordance with 40 CFR §264.14(a) that the security requirements in §§264.14(b) and (c) are not necessary, no security permit condition is needed. This demonstration must be documented in the administrative record. Specific security provisions needed to implement the performance standard in §264.14(a) should be so included. For example, specify the language of signs required by §264.14(c), if necessary.]

II.E. GENERAL INSPECTION REQUIREMENTS

The Permittee shall follow the inspection schedule, Attachment _____. The Permittee shall remedy any deterioration or malfunction discovered by an inspection as required by 40 CFR §264.15(c). Records of inspections shall be kept as required by 40 CFR §264.15(d).

[Note: When applicable the specific regulatory requirements of §§264.174, 264.194, 264.254, and 264.347 must be covered by the attached schedule.]

II.F. PERSONNEL TRAINING

The Permittee shall conduct personnel training as required by 40 CFR §264.16. This training program shall follow the attached outline, Attachment ____. The Permittee shall maintain training documents and records as required by 40 CFR §§264.16(d) and (e).

[Note: The attached outline is required to be submitted by §270.14(b)(12) and must demonstrate how the Permittee will comply with §264.16]

II.G. GENERAL REQUIREMENTS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE

The Permittee shall comply with the requirements of 40 CFR §264.17(a).

[Note: This condition applies only if the Permittee handles ignitable, reactive or incompatible wastes. Conditions specific to different types of storage (i.e., tanks, containers, or piles) which address §§264.17(b) and (c) are specified in the proper part.]

II.H. LOCATION STANDARDS

[Note: Seismic Considerations - If the proposed (new) facility is located in an area listed in Appendix VI of 40 CFR Part 264, the applicant must have demonstrated compliance with 40 CFR §264.18(a). This must be documented in the administrative record.]

[Note: Floodplains - If the proposed (new) facility is not located in a hundred year floodplain, there is no permit condition needed. This must be documented in the administrative record. For facilities located in the 100-year floodplain, the permit must set forth conditions by which the Permittee will meet the requirements of 40 CFR §264.18(b). Existing facilities not in compliance with 40 CFR §264.18(b) must be placed on a compliance schedule (see 40 CFR §270.14(b)(11)(v) and §270.33).]

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II.I. PREPAREDNESS AND PREVENTION

II.I.1. Required Equipment

At a minimum, the Permittee shall equip the facility with the equipment set forth in the Contingency Plan, Attachment _____ as required by 40 CFR §264.32.

[Note: The list of equipment required by §264.52(e), in the Contingency Plan must meet the requirements of §264.32. If the Permittee has successfully demonstrated in accordance with 40 CFR §264.32 that any of the equipment is not required the decision should be documented in the administrative record.]

II.I.2. Testing and Maintenance of Equipment

The Permittee shall test and maintain the equipment specified in the previous permit condition as necessary to assure its proper operation in time of emergency.

[Note: Specific testing and maintenance procedures needed to implement the above condition, should be included in the permit.]

II.I.3. Access to Communications or Alarm System

The Permittee shall maintain access to the communications or alarm system as required by 40 CFR §264.34.

[Note: If the Permittee has successfully demonstrated that such a device is not required under 40 CFR §264.32, the decision should be documented in the administrative record.]

II.I.4. Required Aisle Space

At a minimum, the Permittee shall maintain aisle space as required by 40 CFR §264.35.

[Note: If the Permittee has successfully demonstrated that aisle space is not needed for any of the purposes specified in the regulations, the decision should be documented in the administrative record. Plans or specifications which demonstrate how the Permittee will meet this regulatory standard should be referenced and attached to the permit.]

II.I.5. Arrangements with Local Authorities

The Permittee shall attempt to [make or maintain, whichever is appropriate] arrangements with state and local authorities as required by 40 CFR §264.37. If state or local officials refuse to enter into preparedness and prevention arrangements with the Permittee, the Permittee must document this refusal in the operating record.

[Note: The Permittee is required to describe arrangements with local authorities in the Contingency Plan. (See 40 CFR §264.52(c)).]

II.J. CONTINGENCY PLAN

II.J.1. Implementation of Plan

The Permittee shall immediately carry out the provisions of the Contingency Plan, Attachment _____ and follow the emergency procedures described by 40 CFR §264.56 whenever there is a fire, explosion, or release of hazardous waste or constituents which threatens or could threaten human health or the environment.

[Note: The Contingency Plan must meet the requirements of §§264.51(a), 264.52 and 264.56.]

II.J.2. Copies of Plan

The Permittee shall comply with the requirements of 40 CFR §264.53.

II.J.3. Amendments to Plan

The Permittee shall review and immediately amend, if necessary, the Contingency Plan, as required by 40 CFR §264.54.

[Note: Amendments to the plan are subject to the permit modification requirements of 40 CFR Part 270.]

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II.J.4. Emergency Coordinator

The Permittee shall comply with the requirements of 40 CFR §264.55, concerning the emergency coordinator.

[Note: For new facilities, the names, addresses, and phone numbers of all persons qualified to act as emergency coordinators shall be supplied to the Regional Administrator at the time of certification as required by Condition I.D.11. (See 40 CFR §264.52(d).)]

II.K. MANIFEST SYSTEM

The Permittee shall comply with the manifest requirements of 40 CFR §§264.71, 264.72, and 264.76.

[Note: This condition applies only to facilities accepting off-site waste.]

II.L. RECORDKEEPING AND REPORTING

In addition to the recordkeeping and reporting requirements specified elsewhere in this permit the Permittee shall do the following:

II.L.1. Operating Record

The Permittee shall maintain a written operating record at the facility in accordance with 40 CFR §§264.73(a), (b)(1), (2), (3), (4), (5), (6), (7 [off-site only]), and (8).

II.L.2. Biennial Report

The Permittee shall comply with the biennial report requirements of 40 CFR §264.75.

II.M. CLOSURE

II.M.1. Performance Standard

The Permittee shall close the facility as required by 40 CFR §264.111 and in accordance with the Closure Plan, Attachment _____.

[Note: The Closure Plan must meet the requirements of 40 CFR §264.112(a). The specific closure requirements of §§264.178, 264.197, 264.258 and 264.351 must be covered by the attached plan when applicable.]

II.M.2. Amendment to Closure Plan

The Permittee shall amend the Closure Plan in accordance with 40 CFR §264.112(b) whenever necessary.

[Note: Amendments to the Closure Plan are subject to the permit modification requirements of 40 CFR Part 270.]

II.M.3. Notification of Closure

The Permittee shall notify the Regional Administrator at least 180 days prior to the date he expects to begin closure.

II.M.4. Time Allowed For Closure

After receiving the final volume of hazardous waste, the Permittee shall treat or remove from the site all hazardous waste in accordance with the schedule specified in the Closure Plan, Attachment _____. After receiving the final volume of hazardous waste, the Permittee shall complete closure activities in accordance with the schedule specified in the Closure Plan, Attachment _____.

II.M.5. Disposal or Decontamination of Equipment

The Permittee shall decontaminate [and/or] dispose of all facility equipment as required by 40 CFR §264.114 and the Closure Plan, Attachment ____.

II.M.6. Certification of Closure

The Permittee shall certify that the facility has been closed in accordance with the specifications in the Closure Plan as required by 40 CFR §264.115.

II.N. COST ESTIMATE FOR FACILITY CLOSURE

The Permittee's original closure cost estimate, prepared in accordance with 40 CFR §264.142(a), is specified in Attachment _____.

II.N.1. The Permittee must adjust the closure cost estimate for inflation within 30 days after each anniversary of the date on which the first closure cost estimate was prepared, as required by 40 CFR §264.142(b) or when using an approved state required mechanism, upon such date as required by the state.

[Note: The annual inflation adjustment of the closure cost estimate is not subject to the permit modification requirements of 40 CFR Part 270.]

II.N.2. The Permittee must revise the closure cost estimate whenever there is a change in the facility's Closure Plan as required by 40 CFR §264.142(c).

[Note: The above revision is subject to the permit modification requirements of 40 CFR Part 270.]

II.N.3. The Permittee must keep at the facility the latest closure cost estimate as required by 40 CFR §264.142(d).

II.O. FINANCIAL ASSURANCE FOR FACILITY CLOSURE

The Permittee shall demonstrate continuous compliance with 40 CFR §264.143 by providing documentation of financial assurance, as required by 40 CFR §264.151 or §264.149, in at least the amount of the cost estimates required by permit Condition II.N. Changes in financial assurance mechanisms must be approved by the Regional Administrator pursuant to 40 CFR §§264.143 or 149.

[Note: For new facilities, the Permittee shall demonstrate compliance with this permit condition by submitting the required documentation to the Regional Administrator at least 60 days before first receiving hazardous waste for treatment, storage or disposal. (See for example 40 CFR §264.143(a)(1)). The Permittee's financial assurance must be effective prior to the Permittee's first receipt of hazardous waste. For existing facilities, the Permittee shall demonstrate compliance with this permit condition by submitting documentation of its compliance with the 40 CFR Part 265 financial assurance regulations to the Regional Administrator before issuance of the permit.]

II.P. LIABILITY REQUIREMENTS

The Permittee shall demonstrate continuous compliance with the requirements of 40 CFR §264.147 and the documentation requirements of 40 CFR §264.151 or §264.149 including the requirements to have and maintain liability coverage for sudden and accidental occurrences in the amount of at least $1 million per occurrence with an annual aggregate of at least $2 million, exclusive of legal defense costs.

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[Note: The Regional Administrator may grant a variance from the above levels of financial responsibility in accordance with §§264.147(c) and (d). For new facilities, the Permittee shall demonstrate its compliance with this permit condition by submitting the required documentation to the Regional Administrator at least 60 days before first receiving hazardous waste for treatment or storage. The Permittee's liability coverage must be effective before the Permittee's first receipt of hazardous waste. For existing facilities, the Permittee shall demonstrate its liability coverage for sudden accidental occurrences in compliance with this permit condition by submitting the required documentation to the Regional Administrator before issuance of the permit.]

II.Q. INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS

The Permittee shall comply with 40 CFR §264.148 whenever necessary.

PART III - STORAGE IN CONTAINERS

[Note: Inspection requirements (§264.174), waste analysis requirements (§264.177, if necessary), and closure requirements (§264.178) must be covered in Conditions II.E, II.C, and II.M, respectively.]

III.A. WASTE IDENTIFICATION

The Permittee may store the following wastes in containers at the facility, subject to the terms of this permit:

[Note: The permit writer should identify which wastes or classes of wastes the Permittee is allowed to handle in containers. The permit should also specify location, maximum capacity and size, and types of containers based on the regulatory requirements of 40 CFR Part 264. For example, the maximun number of containers may be determined from the Permittee's closure cost estimate which is based on maximum inventory. The location of containers may be based on keeping incompatible wastes separate. Type of container may be based on the requirement that the wastes and the container be compatible. Parts of the permit application that address these requirements should be attached.].

III.B. CONDITION OF CONTAINERS

If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the Permittee shall transfer the hazardous waste from such container to a container that is in good condition or otherwise manage the waste in compliance with the the conditions of this permit.

III.C. COMPATIBILITY OF WASTE WITH CONTAINERS

The Permittee shall assure that the ability of the container to contain the waste is not impaired as required by 40 CFR §264.172.

[Note: Specific procedures or equipment required to assure compliance with this standard should be included in the permit (e.g., liner specifications, testing procedures, etc.).]

III.D. MANAGEMENT OF CONTAINERS

The Permittee shall manage containers as required by 40 CFR §264.173.

III.E. CONTAINMENT

The Permittee shall construct [for new or modified facilities only] and maintain the containment system in accordance with the requirements of 40 CFR §264.175 as specified in the attached plans and specifications, Attachment ____.

[Note: The design plans and operating specifications attached to the permit must demonstrate how the Permittee will meet all the requirements of 40 CFR §264.175. The administrative record should so indicate. It should be noted that §264.175(b) addresses areas that store liquid wastes in containers. Section 264.175(c) addresses areas that store only solid wastes in containers.]

III.F. SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE

The Permittee shall not locate containers holding ignitable or reactive waste within 15 meters (50 feet) of the facility's property line.

[Note: This condition is necessary only if the facility handles ignitable or reactive wastes.]

III.G. SPECIAL REQUIREMENTS FOR INCOMPATIBLE WASTE

III.G.1. Prior to placing incompatible wastes or incompatible wastes and materials in the same container, the Permittee shall comply with 40 CFR §264.17(b) as specified in Attachment ____.

[Note: The attachment should specify how the Permittee will handle incompatible wastes so as to comply with 40 CFR §264.17(b). If the application does not address this, the permit writer should write specific conditions to implement this requirement or should condition the permit so as not to allow this practice.]

III.G.2. The Permittee shall not place hazardous waste in an unwashed container that previously held an incompatible waste or material.

III.G.3. The Permittee shall separate containers of incompatible wastes as indicated in the attached plans, Attachment _____, as required by 40 CFR §264.177(c).

[Note: The attachment should specify how the Permittee shall comply with §264.177(c) to prevent fires, explosions, etc.]

III.G.4. The Permittee must document compliance with III.G.(1) and (2) as required by 40 CFR §264.17(c) and place this documentation in the operating record (Condition II.L.1).

[Note: Condition III.G only applies if the facility handles incompatible wastes.]

PART IV - STORAGE IN TANKS

[Note: Inspection requirements (§264.194), closure requirements (§264.197), and waste analysis requirements (§§264.198(a) and 264.199, if necessary) must be covered in Conditions II.E, II.M, and II.C respectively.]

IV.A. WASTE IDENTIFICATION

The Permittee may store the following hazardous wastes in tanks, subject to the terms of this permit:

[Note: The permit writer should identify which wastes or classes of wastes the Permittee is allowed to store in tanks. The permit should also specify tank location, wastes allowed in the tank, and construction requirements based on the regulatory requirements of 40 CFR Part 264. For example, the type of waste to be placed in a tank may be based on the compatibility of the tank and the waste. Location may be based on floodplain location, NFPA standards, etc. Construction requirements may be based on the physical properties of the wastes. Parts of the application that address these requirements should be attached. Much of this may be covered by Condition IV.B below which requires the tanks to be constructed according to plans.]

IV.B. DESIGN OF TANKS

The Permittee shall construct [for new and modified facilities] and maintain all tanks as required by 40 CFR §264.191, as specified in the attached plans and specifications, Attachment ___. The Permittee shall maintain the minimum shell thickness specified below at all times to ensure sufficient shell strength.

[Note: The minimum shell thickness must be specified in the permit. The attached plans and specifications must demonstrate compliance with §264.191.]

IV.C. GENERAL OPERATING REQUIREMENTS

IV.C.1. The Permittee shall protect tanks from accelerated corrosion, erosion or abrasion as required by 40 CFR §264.192(a), as specified in Attachment ____.

[Note: This condition only applies if wastes or other materials incompatible with the tank are introduced. The attachment must demonstrate how the facility will comply with §264.192(a).]

IV.C.2. The Permittee shall prevent overfilling of tanks, as required by 40 CFR §264.192(b), by the methods specified in Attachment ____.

[Note: The attachment must demonstrate how the facility will comply with §264.192(b).]

IV.D. SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTES

IV.D.1. The Permittee shall not place ignitable or reactive waste in a tank unless the procedures described in Attachment _____ are followed, as required by 40 CFR §264.198(a).

[Note: The attachment must demonstrate how the facility will handle ignitable and reactive wastes as required by 40 CFR §264.198(a).]

IV.D.2. The Permittee shall document compliance with IV.D.1 as required by 40 CFR §264.17(c) and place this documentation in the operating record (Condition II.L.1).

IV.D.3. The Permittee shall maintain buffer zones around covered tanks as specified in Attachment _____, as required by 40 CFR §264.198(b).

[Note: This condition applies only to facilities that store ignitable or reactive hazardous wastes in covered tanks. The attachment must demonstrate compliance with §264.198(b).]

IV.E. SPECIAL REQUIREMENTS FOR INCOMPATIBLE WASTES

IV.E.1. The Permittee shall not place incompatible wastes in the same tank or place hazardous waste in a tank that previously held an incompatible waste or material unless the procedures specified in Attachment _____ are followed, as required by 40 CFR §264.17(b) and §264.199.

[Note: The attachment must specify how the Permittee will handle incompatible wastes so as to comply with 40 CFR §264.17(b). If the application does not address this, the permit writer should write specific conditions to implement this provision or should condition the permit so as not to allow this practice.]

IV.E.2. The Permittee shall document compliance with IV.E.1 as required by 40 CFR §264.17(c) and place this documentation in the operating record (Condition II.L.1).

[Note: Conditions IV.D and E only apply to facilities that store ignitable, reactive and/or incompatible wastes in tanks.]

IV.D. SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTES

IV.D.1. The Permittee shall not place ignitable or reactive waste in a tank unless the procedures described in Attachment _____ are followed, as required by 40 CFR §264.198(a).

[Note: The attachment must demonstrate how the facility will handle ignitable and reactive wastes as required by 40 CFR §264.198(a).]

IV.D.2. The Permittee shall document compliance with IV.D.1 as required by 40 CFR §264.17(c) and place this documentation in the operating record (Condition II.L.1).

IV.D.3. The Permittee shall maintain buffer zones around covered tanks as specified in Attachment _____, as required by 40 CFR §264.198(b).

[Note: This condition applies only to facilities that store ignitable or reactive hazardous wastes in covered tanks. The attachment must demonstrate compliance with §264.198(b).]

IV.E. SPECIAL REQUIREMENTS FOR INCOMPATIBLE WASTES

IV.E.1. The Permittee shall not place incompatible wastes in the same tank or place hazardous waste in a tank that previously held an incompatible waste or material unless the procedures specified in Attachment _____ are followed, as required by 40 CFR §264.17(b) and §264.199.

[Note: The attachment must specify how the Permittee will handle incompatible wastes so as to comply with 40 CFR §264.17(b). If the application does not address this, the permit writer should write specific conditions to implement this provision or should condition the permit so as not to allow this practice.]

IV.E.2. The Permittee shall document compliance with IV.E.1 as required by 40 CFR §264.17(c) and place this documentation in the operating record (Condition II.L.1).

[Note: Conditions IV.D and E only apply to facilities that store ignitable, reactive and/or incompatible wastes in tanks.]

PART VI - INCINERATION

[Note: This part is applicable to all facilities that incinerate hazardous wastes. For new facilities it establishes construction requirements, and for all facilities it establishes maintenance requirements (Condition VI.A). Waste feed and operating requirements (Conditions VI.C and D) are established either through trial burns or data submitted in lieu of a trial burn. Part VII addresses short term (trial burn) incinerator permits allowed under 40 CFR §270.62.

If the facility meets the automatic exemption criteria set forth in 40 CFR §264.340(b) or if the Regional Administrator grants the optional exemption allowed under 40 CFR §264.340(c), this part will only contain Condition A (Construction). The Waste Analysis Plan (Condition II.C), and the Closure Plan (Condition II.M) must cover the requirements of 40 CFR §§264.341, and .351 in accordance with 40 CFR §264.340(b). The exemption must be documented in the administrative record.

For permits that do not include the above exemption, Conditions II.C (Waste Analysis), II.E (Inspections) and II.M (Closure) must cover the requirements of 40 CFR §§264.341, .347(b) and (c), and .351 respectively.]

VI.A. CONSTRUCTION

[For new facilities] The Permittee shall construct and maintain the incinerator in accordance with the attached plans and specifications, Attachment __, or equivalent. The Permittee shall not feed hazardous wastes to the incinerator until Condition I.D.11 has been complied with.

[For existing facilities] The Permittee shall maintain the facility in accordance with the attached design plans and specifications, Attachment ____, or equivalent.

[Note: 40 CFR §264.343 requires the incinerator to be designed, constructed and maintained so as to meet the performance standards when operated in accordance with the operating conditions. 40 CFR §264.345(b)(5) requires that the permit specify allowable variations in design. The permit writer must assure that the attached plans and specifications meet these requirements.]

VI.B. PERFORMANCE STANDARD

The Permittee shall construct and maintain the incinerator so that, when operated in accordance with the operating requirements specified in this permit, it will meet the following performance standards.

VI.B.1. The incinerator must achieve a destruction removal efficiency (DRE) of 99.99% for each principal organic hazardous constituent

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(POHC) designated in this permit for each waste feed. DRE shall be determined using the method specified in 40 CFR §264.343(c).

[Note: If the waste stream does not contain a POHC, then this permit condition should be omitted. Waste streams which do not contain POHC's (e.g., those wastes which are hazardous only because they exhibit the characteristic of corrositivity or ignitability) may be eligible for the exemptions allowed in 40 CFR §264.340.]

VI.B.2. The Permittee must control hydrogen chloride (HCl) emissions, such that the rate of emissions is no greater than the larger of either 1.8 kg/hr or 1% of the HCl in the stack gas prior to entering any pollution control equipment.

VI.B.3. The incinerator must not emit particulate matter in excess of 180 milligrams per dry standard cubic meter when corrected for the amount of oxygen in the stack gas in accordance with the formula specified in 40 CFR §264.343(c).

[Note: The permit must specify the appropriate correction procedure for those facilities that operate under conditions of oxygen enrichment.]

VI.B.4. Compliance with the operating conditions specified in this permit will be regarded as compliance with the above performance standards. However, evidence that compliance with such permit conditions is insufficient to ensure compliance with the above performance standards may be "information" justifying modification, revocation or reissuance of the permit pursuant to 40 CFR §270.41.

[Note: The following conditions (Conditions VI.C and D) must be based on the trial burn showing or specified in anticipation of a trial burn (for those facilities that perform a trial burn) or on equivalent data (if a trial burn is not performed) showing that the performance standards found in Condition VI.B will be met. The conditions that are subject to change on the basis of the trial burn must be specifically noted. See preamble discussion, 47 FR 27524, June 24, 1982, for more information.]

VI.C. LIMITATION ON WASTES

Except during the periods specified in Conditions VII.A, B, and C [for facilities that perform trial burns], the Permittee shall incinerate the following hazardous wastes only as allowed by the terms of this permit:

[Note: There are two options for identifying the allowable waste feed to the incinerator. First, it may not be possible to name all the wastes that a commercial off-site facility might be permitted to burn. In this case it is better to identify a set of criteria that establishes the limits of waste input to the incinerator. Second, most appropriate for on-site incinerators tied to a process line, is to specifically identify the wastes or classes of wastes the Permittee shall be permitted to burn. Thus, a manufacturer of freon might be permitted to burn the chlorofluorocarbon POHC and the

other wastes associated with the production process. Examples of recommended language addressing these two options are presented below.]

Option 1, Off-Site Facility:

- The Permittee shall not incinerate any hazardous waste having a heat of combustion less than __ kcal/gm. [Note: The specified heat of combustion should be that of the facility's POHC.]
- No waste or combination of wastes, as fed to the incinerator, shall have a heating value of less than ____. [Note: Specify the units for the heating value of the wastes. This condition specifies the feed rate of the waste. (See 40 CFR §264.345(b)(2).]
- The ash content of the waste shall be no greater than __%.
- The physical form of the waste shall be _____. [Note: Specify the physical form of the waste feed. For example, a pumpable liquid with a viscosity of _____.]

Option 2, On-Site Facility:

HAZ. WASTE NO.	DESCRIPTION	FEED RATE
D003, D004, D008	Freezon® 123b Reactor bottoms ("Tars")	(Specify rate of input in appropriate units.)
D001	Freezon® 122b rich liquid	

[Note: The permit writer may impose other limitations as necessary on the waste feed to ensure compliance with the performance standards of §264.343. All such limitations, however, should be derived from the results of the trial burn waste or in anticipation of the trial burn or from the information submitted in lieu of a trial burn.]

VI.D. OPERATING CONDITIONS

Except during the periods specified in Conditions VII.A, B, and C [for facilities that perform trial burns] the Permittee shall feed the wastes described in Condition VI.C to the incinerator only under the following conditions:

[Note: It must be understood, by permit writers and applicants alike, that violation of the permit operating conditions can give rise to an enforcement action. If the Permittee complies with the permit operating conditions but it is later shown that the performance standards are not being achieved, the permit may be modified or revoked and reissued but enforcement actions are not available. Thus, each set of operating conditions should directly relate to achieving the performance standards in §264.343.]

VI.D.1. Combustion temperature, measured as specified in Condition VI.D.13, shall be maintained at ____ or greater.

VI.D.2. Combustion gas velocity, measured as specified in Condition VI.D.13, shall be no less than ___ ACMS and no greater than ____ ACMS.

VI.D.3. Stack gas concentration of carbon monoxide, measured as specified in Condition VI.D.13, shall not exceed ___ ppm.

[Note: Conditions VI.D.1-3 are directly related to ensuring compliance with the DRE standard in 264.343 and are explicitly required by §§264.345(b)(3), (4), and (1) respectively. (§264.345(b)(2) is addressed in Condition VI.C.) Violation of these conditions is likely to result in failure to achieve 99.99% DRE. Additional conditions may be specified as necessary.

40 CFR §264.345(b)(6) requires the permit writer to establish such operating requirements as are necessary to ensure compliance with the performance standards. Conditions VI.D.4-9 are example permit conditions that serve this purpose. These conditions must be drawn directly from the trial burn data or in anticipation of the trial burn or data submitted in lieu of a trial burn. Different or additional permit conditions, when appropriate, may be specified. The Guidance Manual for Hazardous Waste Incinerator Permits lists several other parameters which may be appropriate permit operating conditions.]

VI.D.4. Caustic flow, measured as specified in Condition VI.D.13, must be maintained at no less than ____ gpm.

VI.D.5. The scrubber effluent pH, measured as specified in Condition VI.D.13, must be maintained at pH __.

VI.D.6. The pressure drop across the packed bed scrubber, measured as specified in Condition VI.D.13, must be maintained at no less than __.

[Note: The above three example permit conditions relate directly to ensuring compliance with the HCl removal standard in §264.343. The permit should specify those conditions whose violations are likely to result in failure to achieve 99% removal of HCl.]

VI.D.7. Pressure drop across the scrubber venturi, measured as specified in Condition VI.D.13, shall be maintained at no less than ___.

VI.D.8. Voltage/current to the electrostatic precipitator, measured as specified in Condition VI.D.13, shall be maintained at _____.

VI.D.9. Pressure drop across the bag house, measured as specified in Condition VI.D.13, shall be maintained at no less than __.

[Note: The above three example permit conditions relate directly to ensuring compliance with the particulate emission standard in §264.343. Obviously, a facility may not have all of the devices mentioned in Conditions VI.D.7-8. The permit writer must select the applicable conditions. The permit should specify those conditions whose violation is likely to result in failure to meet the 180mg/dscm particulate emission standard of §264.343.]

VI.D.10. During start-up and shut-down of the incinerator, hazardous wastes must not be introduced into the incinerator unless the incinerator is operating within the conditions specified in Condition VI.D.

VI.D.11. The Permittee shall control fugitive emissions from the combustion zone of the incinerator by _____.

[Note: The method by which emissions shall be controlled (in accordance with 40 CFR §264.345(d)) must be specified. Any plans or specifications which delineate how emissions will be controlled should be referenced and attached.]

VI.D.12. The Permittee shall construct, maintain and calibrate the systems specified below to automatically cut off the hazardous waste feed to the incinerator at the levels specified below when the operating conditions deviate from the limits established in Condition VI.D.

System	Cutoff Limits	Calibration Frequency	Test Frequency
[Description and purpose of system]	[Level at which waste feed to be cut off]	[Frequency at which accuracy is checked]	[Frequency at which operational readiness is checked]

[Note: Section 264.345(e) requires such systems to be constructed to ensure that the operating conditions specified in the permit are not exceeded. Section 270.31 requires the permit to establish specific requirements for such systems. If the application adequately specifies the above information then the permit writer may attach and reference the applicable sections in lieu of the above table.]

VI.D.13. The Permittee shall monitor the facility as specified below:

System	Purpose	Frequency of Monitoring	Frequency of Testing	Frequency of Calibration

[Note: At a minimum, this condition must specify monitoring systems that meet the requirements of §§264.347(a)(1) and (2). Further, Conditions VI.D.1-9 specify levels for various operating parameters which must be monitored. Section 270.31 requires the permit writer to establish specific requirements for such systems. These systems should be addressed above. If the application specifies the above information, the permit writer may attach and reference the applicable sections in lieu of the above table.]

V.D.14. Upon request of the Regional Administrator, the Permittee shall perform the tests required by 40 CFR §264.347(a)(3).

V.D.15. The Permittee shall record and maintain the monitoring and inspection data as required by 40 CFR §264.347(d).

V.D.16. The Permittee must cease waste feed when changes in waste feed or operating conditions exceed limits designated in this permit.

PART VII - SHORT TERM INCINERATOR PERMIT

[Note: This Part is applicable to facilities that perform a trial burn and presents conditions that, during the periods specified, supersede certain conditions found in Part VI. 40 CFR §270.62 and §264.344(c) require that a permit establish conditions necessary to meet the requirements of §264.345 during the shakedown, trial burn, and post trial burn periods.]

VII.A. SHAKEDOWN PERIOD

During the shakedown period (the period beginning with the initial introduction of hazardous wastes into the incinerator and ending with the start of the trial burn) the Permittee shall comply with the following conditions:

VII.A.1. Duration of Shakedown Period

The shakedown period shall not exceed _____ hours of operation when burning hazardous wastes. The Permittee may petition the Regional Administrator for one extension of the shakedown period for up to 720 additional hours. The Regional Administrator may grant the extension when good cause is demonstrated in the petition in accordance with 40 CFR §264.344(c)(1).

[Note: The duration of the first shakedown period cannot exceed 720 hours.]

VII.A.2. Waste Feed Identification

During the shakedown period the Permittee may feed the following wastes at the facility, subject to the requirements of Conditions VII.A.3.

[Note: The permit writer must identify which waste feeds the Permittee is allowed to incinerate during the shakedown period. Any limitations on waste feeds must also be delineated. In some cases, an incinerator may accept only wastes that are always chemically and physically uniform. Identification may then simply be the process name of the waste or some other equivalent identifier. Other facilities may accept waste feeds whose chemical and physical properties vary. Limitations and variations for these waste feeds must be specified. All limitations on the waste feed must be based on the permit writer's best judgement and should ensure that the facility will meet the performance standards set forth in Condition VI.B. The permit writer may wish to limit the waste feed to easily incinerable materials during this period. The options presented in Condition VI.C should be considered by the permit writer.]

VII.A.3. Operating Conditions

During the shakedown period the Permittee shall feed the wastes described in Condition VII.A.2 to the incinerator only under

the following conditions:

[Note: For each of the waste feeds specified in Condition VII.A.2, the permit writer must establish operating conditions that, in the writer's best judgement, ensure compliance with the performance standards of §264.343.]

VII.A.3.a. Combustion temperature, measured as specified in Condition VII.A.3.m, shall be maintained at ____ or greater.

VII.A.3.b. Combustion gas velocity, measured as specified in Condition VII.A.3.m, shall be no less than ___ ACMS and no greater than _____ ACMS.

VII.A.3.c. Stack gas concentration of carbon monoxide, measured as specified in Condition VII.A.3.m, shall not exceed ____ppm.

[Note: The above three conditions relate directly to ensuring compliance with the DRE standard in §264.343 and are explicitly required by §§264.345(b)(3), (4), and (1) respectively. (Section 264.345(b)(2) is addressed in Condition VII.A.2.) Violation of these conditions is likely to result in failure to achieve 99.99% DRE. These conditions must be based on the permit writer's best engineering judgement given the design of the facility, or from data submitted in lieu of a trial burn. Different or additional conditions, when appropriate as indicators of DRE, may be specified.

40 CFR §264.345(b)(6) requires the permit writer to establish such operating requirements as are necessary to ensure compliance with the performance standards. Conditions VII.A.3.d-i are example permit conditions that serve this purpose. As above, these conditions must be based on the permit writer's best engineering judgement given the design of the facility or from data submitted in lieu of a trial burn. Different or additional permit conditions should be specified when they may effect compliance with the §264.343 performance standards. The Guidance Manual for Hazardous Waste Incinerator Permits lists several other parameters which may be appropriate permit operating conditions.]

VII.A.3.d. Caustic flow, measured as specified in Condition VII.A.3.m, must be maintained at no less than _____ gpm.

VII.A.3.e. The scrubber effluent pH, measured as specified in Condition VII.A.3.m, must be maintained at pH __.

VII.A.3.f. The pressure drop across the packed bed scrubber, measured as specified in Condition VII.A.3.m, must be maintained at no less than __.

[Note: The above three example permit conditions relate directly to ensuring compliance with the HCl removal standard in §264.343. Violation of these conditions is likely to result in failure to achieve 99% removal of HCl.]

VII.A.3.g. Pressure drop across the scrubber venturi, measured as specified in Condition VII.A.3.m, shall be maintained at no less than _____.

VII.A.3.h. Voltage/current to the electrostatic precipitator, measured as specified in Condition VII.A.3.m, shall be maintained at _____.

VII.A.3.i. Pressure drop across the bag house, measured as specified in Condition VII.A.3.m, shall be maintained at no less than _____.

[Note: The above three example permit conditions relate directly to ensuring compliance with the particulate emission standard in §264.343. Obviously, a facility may not have all of the devices mentioned in Conditions VII.A.3.g-i. The permit writer must select the applicable conditions. Violation of these conditions is likely to result in failure to meet the 180mg/dscm particulate emission standard of §264.343.]

VII.A.3.j. During start-up and shut-down of the incinerator, hazardous wastes must not be introduced into the incinerator unless the incinerator is operating within the conditions specified in Condition VII.A.3.

VII.A.3.k. The Permittee shall control fugitive emissions from the combustion zone of the incinerator by _____.

[Note: Method by which emissions shall be controlled (in accordance with 40 CFR §264.345(d)) must be specified. Any plans or specifications which delineate how emissions will be controlled should be referenced and attached.]

VII.A.3.l. The Permittee shall construct, maintain and calibrate the systems specified below to automatically cut off the hazardous waste feed to the incinerator at the levels specified below when the operating conditions deviate from the limits established in Condition VII.A.3.

System	Cutoff Limits	Calibration Frequency	Test Frequency
[Description and purpose of system]	[Level at which waste feed to be cutoff]	[Frequency at which accuracy is checked]	[Frequency at which operational readiness is checked]

[Note: Section 264.345(e) requires such systems be constructed to ensure that the operating conditions specified in the permit are not exceeded. Section 270.31 requires the permit to establish specific requirements for such conditions. If the application adequately specifies the above information then the permit writer may attach and reference the applicable sections in lieu of the above table.]

VII.A.3.m. The Permittee shall monitor the facility as specified below:

System	Purpose	Frequency of Monitoring	Frequency of Testing	Frequency of Calibration

[Note: At a minimum, this condition must specify monitoring systems that meet the requirements of §§264.347(a)(1) and (2). Further, Conditions VII.A.3.a-i specify levels for various operating parameters which must be monitored. Section 270.31 requires the permit writer to establish specific requirements for such systems. These systems should be addressed above. If the application specifies the above information, the permit writer may attach and reference the applicable section in lieu of the above table.]

VII.A.3.n. Upon request of the Regional Administrator, the Permittee shall perform the tests required by 40 CFR §264.347(a)(3).

VII.A.3.o. The Permittee shall record and maintain monitoring and inspection data as required by 40 CFR §264.347(d).

VII.A.3.p. The Permittee must cease operation when changes in waste feed or operating conditions exceed limits designated in this permit.

VII.B. TRIAL BURN

VII.B.1. Trial Burn Plan

The Permittee shall operate and monitor the incinerator during the trial burn period as specified in the Trial Burn Plan, Attachment _____.

[Note: The Trial Burn Plan must meet the requirements of 40 CFR §270.62(b)(2). The operating and monitoring requirements specified in the plan must be adequate to meet the requirements of 40 CFR §270.62(b)(2)(v). Additional conditions should be established if necessary to establish operating conditions which will ensure compliance with the performance standards of §264.343.]

VII.B.2. Trial POHC

The trial POHC's for which DRE's must be determined are:

Waste Feed	POHC(s)

[Note: If the applicant wishes to establish different operating conditions for different waste feeds, then POHC's may be selected for each feed or feed group suggested by the applicant. For example, a facility may wish to designate two (2) waste feeds. Number one waste feed is a combination of several waste streams that is relatively "easy" to burn based on its POHC's. Number two feed consists of several waste streams that are "difficult" to burn based upon its POHC's. The operating conditions for these two feeds may be different.]

VII.B.3. Trial Burn Determinations

During the trial burn (or as soon after the burn as practicable) the Permittee must make the determinations required by 40 CFR §§270.62(b)(6)(i)-(ix).

[Note: Any other determinations needed to ensure that the trial burn will determine compliance with performance standards should be described as required by 40 CFR §270.62(b)(6)(x).]

VII.B.4. Trial Burn Submissions

The Permittee shall submit a copy of all data collected during the trial burn to the Regional Administrator upon completion of the burn. The Permittee shall submit to the Regional Administrator the results of the determinations required by Condition VII.B.3 within ninety (90) days of the completion of the trial burn. All submissions must be certified in accordance with 40 CFR §270.11

VII.C. POST TRIAL BURN

During the post trial burn period (the period starting immediately following the completion of the trial burn and ending with the Regional Administrator's specification of the permit operating conditions), the Permittee shall comply with the following conditions:

VII.C.1. Waste Feed Identification

During the post trial burn period the Permittee may feed the following wastes at the facility, subject to the requirements of Condition VII.C.2.

[Note: The permit writer must identify which waste feeds the Permittee is allowed to incinerate during the post trial burn period. Any limitations on waste feeds must also be delineated. In some cases, an incinerator may accept only wastes that are always chemically and physically uniform. Identification may then simply be the process name of the waste or some other equivalent identifier. Other facilities may accept waste feeds whose chemical and physical properties vary. Limitations and variations for these waste feeds must be specified. All limitations on the waste feed must be based on the permit writer's best judgement and should ensure that the facility will meet the performance standards set forth in Condition

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VI.B. The permit writer may wish to limit the waste feed to easily incinerable materials during this period. The options presented in Condition VI.C should be considered by the permit writer.]

VII.C.2. Operating Conditions

During the post trial burn period the Permittee shall feed the wastes described in Condition V.C.1 to the incinerator only under the following conditions:

[Note: For each of the waste feeds specified in Condition VII.C.1, the permit writer must establish operating conditions that, in the writer's best judgement, ensure compliance with the performance standards of §264.343.]

VII.C.2.a. Combustion temperature, measured as specified in Condition VII.C.2.m, shall be maintained at ____ or greater.

VII.C.2.b. Combustion gas velocity, measured as specified in Condition VII.C.2.m, shall be no less than ___ ACMS and no greater than _____ ACMS.

VII.C.2.c. Stack gas concentration of carbon monoxide, measured as specified in Condition VII.C.2.m, shall not exceed ____ ppm.

[Note: The above three conditions relate directly to ensuring compliance with the DRE standard in §264.343 and are explicitly required by §§264.345(b)(3), (4), and (1) respectively. (§264.345(b)(2) is addressed in Condition VII.C.1). Violation of these conditions is likely to result in failure to achieve 99.99% DRE. These conditions must be based on the permit writer's best engineering judgement given the design of the facility, or from data submitted in lieu of a trial burn. Different or additional conditions, when appropriate as indicators of DRE, may be specified.

40 CFR §264.345(b)(6) requires the permit writer to establish such operating requirements as are necessary to ensure compliance with the performance standards. Conditions VII.C.3.d-i are example permit conditions that serve this purpose. As above, these conditions must be based on the permit writer's best engineering judgement given the design of the facility, or from data submitted in lieu of a trial burn. Different or additional permit conditions, when appropriate, may be specified. The Guidance Manual for Hazardous Waste Incinerator Permits lists several other parameters which may be appropriate permit operating conditions.]

VII.C.2.d. Caustic flow, measured as specified in Condition VII.C.2.m, must be maintained at no less than _____ gpm.

VII.C.2.e. The scrubber effluent pH, measured as specified in Condition VII.C.2.m, must be maintained at pH __.

VII.C.2.f. The pressure drop across the packed bed scrubber, measured as specified in Condition VII.C.2.m, must be maintained at no less than __.

[Note: The above three example permit conditions relate directly to ensuring

compliance with the HCl removal standard in §264.343. Violation of these conditions is likely to result in failure to achieve 99% removal of HCl.]

VII.C.2.g. Pressure drop across the scrubber venturi, measured as specified in Condition VII.C.2.m, shall be maintained at no less than ___.

VII.C.2.h. Voltage/current to the electrostatic precipitator, measured as specified in Condition VII.C.2.m, shall be maintained at _____.

VII.C.2.i. Pressure drop across the bag house, measured as specified in Condition VII.C.2.m, shall be maintained at no less than __.

[Note: The above three example permit conditions relate directly to ensuring compliance with the particulate emission standard in §264.343. Obviously, a facility may not have all of the devices mentioned in Conditions VII.C.2.g-i. The permit writer must select the applicable conditions. Violation of these conditions is likely to result in failure to meet the 180mg/dscm particulate emission standard of §264.343.]

VII.C.2.j. During start-up and shut-down of the incinerator, hazardous wastes must not be introduced into the incinerator unless the incinerator is operating within the conditions specified in Condition VII.C.2.

VII.C.2.k. The Permittee shall control fugitive emissions from the combustion zone of the incinerator by _____.

[Note: Method by which emissions shall be controlled (in accordance with 40 CFR §264.345) must be specified. Any plans or specifications which delineate how emissions will be controlled should be referenced and attached.]

VII.C.2.l. The Permittee shall construct, maintain and calibrate the systems specified below to automatically cut off the hazardous waste feed to the incinerator at the levels specified below when the operating conditions deviate from the limits established in Condition VII.C.2.

System	Cutoff limits	Calibration frequency	Test frequency
[Description and purpose of system]	[Level at which waste feed to be cutoff]	[Frequency at which accuracy is checked]	[Frequency at which operational readiness is checked]

[Note: Section 264.345(e) requires such systems be constructed to ensure that the operating conditions specified in the permit are not exceeded. Section 270.31 requires the permit to establish specific requirements for such conditions. If the application adequately specifies the above information, then the permit writer may attach and reference the applicable sections in lieu of the above table.]

VII.C.2.m. The Permittee shall monitor the facility as specified below:

System	Purpose	Frequency of Monitoring	Frequency of Testing	Frequency of Calibration

[Note: At a minimum, this condition must specify monitoring systems that meet the requirements of §§264.347(a)(1) and (2). Further, Conditions VII.C.2.a-i specify levels for various operating parameters which must be monitored. Section 270.31 requires the permit writer to establish specific requirements for such systems. These systems should be addressed above. If the application specifies the above information, the permit writer may attach and reference the applicable section in lieu of the above table.]

VII.C.2.n. Upon request of the Regional Administrator, the Permittee shall perform the tests required by 40 CFR §264.347(a)(3).

VII.C.2.o. The Permittee shall record and maintain monitoring and inspection data as required by 40 CFR §264.347(d).

VII.C.2.p. The Permittee must cease operation when changes in waste feed or operating conditions exceed limits designated in this permit.

VII.C.2.q. If, based upon the analytical results of the trial burn, the Permittee determines that the incinerator failed to achieve any of the performance standards specified in Condition VI.B, the Permittee shall notify the Regional Administrator within twenty-four (24) hours of the determination.

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